



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James A. Billmaier, Donald P. De Leva, and Robert E. Novak	Examiner: not yet known
Serial No.: 09/918,610	Art Unit: 2611
Filed: July 30, 2001	Atty. Docket No.: 10003.000300 (digeo 132)
Title: System and Method For Using User-Specific Information To Configure and Enable Functions In Remote Control, Broadcast and Interactive Systems	

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Sir:

In response to the Notice to File Missing Parts of
Nonprovisional Application dated September 6, 2001 for the
above-identified patent application,

☒ Enclosed are the following:

☒ A copy of the Notice to File Missing Parts of
Nonprovisional Application;

☒ An original, signed Declaration;

☒ A Revocation of Power of Attorney or
Authorization of Agent;

☒ A Power of Attorney or Authorization of Agent;

☒ Payment in the amount of \$1,409 to cover
payment for the surcharge and other fees (\$1,299) and
payment for a one-month extension of time fee for the
response (\$110);

☒ Corrected Drawings;

☒ Letter to Official draftsman;

Submission Of Deficiency Payment Under 37 C.F.R. 1.28

Applicants respectfully request that the previous
erroneous payment of a small entity fee for the above-
referenced application be excused.

In compliance with the requirements of 37 C.F.R.
1.28(c)(1) and (c)(2), Applicants submit herewith the
following: (1) payment of the deficiency owed as a result of
the previous erroneous payment of small entity fees, and (2)
an itemization of the total deficiency payment.

Calculation of the deficiency owed:

Applicants submit herewith payment in the amount of \$1,169.00, which is the total deficiency payment owed, in accordance with 37 C.F.R. 1.28(c) (2) (i).

Itemization of the deficiency payment:

Applicants list below an itemization of the total deficiency payment in accordance with 37 C.F.R. 1.28(c) (2) (ii).

(A) Each particular type of fee that was erroneously paid as a small entity, along with the current fee amount for a non-small entity:

(1) Fee amount for a utility application basic filing fee that was erroneously paid as a small entity: \$355.00. Current fee amount for a non-small entity utility application basic filing fee: \$740.00.

(2) Fee amount for 68 total claims (48 claims in excess of 20) that was erroneously paid as a small entity: \$432. Current fee amount for a non-small entity for 68 total claims: \$864.

(3) Fee amount for 11 independent claims (8 claims in excess of 3) that was erroneously paid as a small entity: \$320. Current fee amount for a non-small entity for 11 independent claims: \$672.

(B) The small entity fee actually paid and when:
\$1107.00 paid on July 30, 2001.

(C) The deficiency owed amount (for each fee erroneously paid):

(1) Deficiency owed amount for the utility application basic filing fee: \$385.

(2) Deficiency owed amount for 68 total claims:
\$432.

(3) Deficiency owed amount for 11 independent claims: \$352.

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth above in (C): \$1,169.00.

In accordance with 37 C.F.R. 1.28(c), Applicants further assert that status as a small entity was established in good faith and fees as small entity were paid in good faith, and it was later discovered that such status as a small entity was established in error.

Applicant hereby petitions for a one-month extension of time within which to reply to the Notice To File Missing Parts mailed on September 6, 2001. Enclosed herewith is the payment of \$110 for the extension fee. If an additional

extension of time is required, please consider this a petition therefore. If any additional fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50-2030.

If the Examiner has any questions or needs additional information, the Examiner is invited to contact the undersigned attorney at (650) 691-2030.

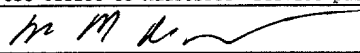
Dated: November 20, 2001

Respectfully submitted,
JAMES A. BILLMAIER, et al.

By: 

Arnold M. de Guzman
Reg. No. 39,955
DEGUZMAN OKAMOTO & BENEDICTO LLP
P.O. Box 51900
Palo Alto, California 94303
(650) 691-2030
(650) 691-2032 (FAX)

Enclosure(s)

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	Arnold M. de Guzman	Dated:	Nov. 20, 2001
Express Mail Mailing Number (optional):			



COPY OF PAPERS
ORIGINAL FILED

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1409.00

Complete if Known

Application Number 09/918,610
Filing Date July 30, 2001
First Named Inventor James A. Billmaier
Examiner Name not yet known
Group / Art Unit 2611
Attorney Docket No 10003.000300 (digeo 132)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 50-2030

Deposit Account Name deGuzman Okamoto & Benedicto, LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES

Total Claims 20 = 0 X 18 = 0

Independent Claims 3 = 0 X 24 = 0

Multiple Dependent X = 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Deficiency payment					1169
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 1409

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Arnold M. deGuzman Registration No. Attorney/Agent 39,955 Telephone 650-691-2030

Signature *Arnold M. deGuzman* Date November 20, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Section 9



Please type a plus sign (+) inside this box → ☐ +
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/918,610	
	Filing Date	July 30, 2001	
	First Named Inventor	James A. Billmaier	
	Group Art Unit	2611	
	Examiner Name	not yet known	
Total Number of Pages in This Submission	35	Attorney Docket Number	10003.000300 (digeo 132)

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Corrected Drawing(s) <input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts <input checked="" type="checkbox"/> Signed Declaration <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney & Revocation of Power of Attorney <input checked="" type="checkbox"/> Letter to the Official Draftsperson <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard; Declaration (supplemental sheet)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Arnold M. deGuzman, Reg. No. 39,955 DEGUZMAN OKAMOTO & BENEDICTO, LLP
Signature	
Date	November 20, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 11/20/01			
Typed or printed name	Arnold M. deGuzman		
Signature		Date	Nov. 20, 2001

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09/918,610



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Commissioner for Patents
Washington, D.C. 20231

LETTER TO THE OFFICIAL DRAFTSPERSON
(Request To Substitute Drawings)

Sir:

Subject to the approval of the Primary Examiner in the above-entitled patent application, please substitute the enclosed fourteen (14) sheets of drawings, containing amended Figures 1, 2A, 2B, 3, 4, 5, 6, 7, 8A, 8B, 8C, 9, 10A, and 10B, for the fourteen (14) sheets of informal drawings containing Figures 1, 2A, 2B, 3, 4, 5, 6, 7, 8A, 8B, 8C, 9, 10A, and 10B as originally filed or as amended.

Approval is requested to amend Figures 1, 2A, 2B, 3, 4, 5, 6, 7, 8A, 8B, 8C, 9, 10A, and 10B as follows. Figures 1, 2A, 2B, 3, 4, 5, 6, 7, 8A, 8B, 8C, 9, 10A, and 10B are being amended so that each drawing sheet has the appropriate margins under 3 CFR section 1.84(g).

PATENT



PAPERS
ALLY FILED

REMARKS

Applicants respectfully submit that the requested drawing amendment is consistent with the corresponding material in the specification and does not add any new matter to the application.

Should the Examiner have any questions concerning this request, the Examiner is invited to call the undersigned attorney at the number shown below.

Dated: November 20, 2001

Respectfully submitted,
JAMES A. BILLMAIER, et al.

By: *Arnold M. de Guzman*
Arnold M. de Guzman
Reg. No. 39,955
DEGUZMAN OKAMOTO & BENEDICTO LLP
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Signature:	<u><i>Arnold M. de Guzman</i></u>		
Typed or Printed Name:	Arnold M. de Guzman	Dated:	11/20/01
Express Mail Mailing Number (optional):			